

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37371 of 2022

Arising Out of PS. Case No.-28 Year-2017 Thana- PIRPAINTI District- Bhagalpur

PAWAN YADAV Son of Late Jagnarayan Yadav @ Jai Narayan Yadav
Resident of Village-Madhuban Tola, P.S.-Pirpaiti, District-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under Section 302/34 of the
Indian Penal Code, in connection with Pirpaiti P.S. Case No.
28 of 2017.

The allegation in the FIR is that when the informant's
cousin brother and uncle were returning with grass, the accused
persons surrounded them and resorted to indiscriminate firing
causing injuries to Santosh Yadav and further allegation is that
Nitesh Yadav and Rajesh Yadav shot on the head of Santosh
Yadav and fled away.

Learned counsel for the petitioner submits that there is



only omnibus allegation against all the accused persons including the petitioner of resorted to firing. Further specific allegation is against Nitesh Yadav and Rajesh Yadav of having opened fire/shot at the head of the Santosh Yadav causing injury/death. It is his last submission that the petitioner is in custody since 15.3.2022.

Learned APP, on the other hand, opposes the prayer for bail and submits that allegation against all the accused persons is of indiscriminate firing.

Taking into account that specific allegation has been made against Nitesh Yadav and Rajesh Yadav of killing the cousin brother of the informant Santosh Yadav and omnibus allegation against the petitioner has been made, is in custody since 15.3.2022 and charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M. XI, Bhagalpur, in connection with Pirpaiti P.S. Case No. 28 of 2017 subject to the following conditions:-

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

U		T	
---	--	---	--

